

REMARKSStatus of the Application

Claims 1-15 are pending. Claims 1-4 and 8-11 are rejected. Claims 5-7 are objected to. Claims 12-15 are allowed.

Section 102 Rejections

Claims 1, 2, and 8 have been rejected under 35 U.S.C. Section 102 as being anticipated by Ritter U.S. Patent No. 6,309,059. Applicants respectfully disagree for at least the following reasons.

Claim 1 (and its dependent claims) require "a flexible annular portion" that will "flex downward when subjected to pressure from the container fluid material" which Ritter does not teach. Referring to applicants' Figure 6, flexible annular portion 48 extends inwardly from sidewall 42 and flexes downward (away from valve seat 30) when subjected to internal pressure from the container contents (paragraph 0037). Ritter's valve works very differently. Ritter's sealing lip 12 does not flex. Rather, when pressure is exerted by the contents of the container, the Ritter sealing lip 12 moves axially downward, without significantly flexing or otherwise changing shape, as a result of the elasticity of the S-shaped ribs 11 (Col. 3, lines 53-57; Figure 3).

With respect to applicants' claim 2, it requires that rotating the cap causes a locking pin and cam pin to disengage. Ritter does not teach this limitation. The Ritter screw on cap 13 is a separate piece from valve sleeve 7. Rotating Ritter cap

13 will not disengage "locking pin 10" or "cam pin 4" since they are separate pieces and are not structurally or functionally connected to the cap 13. The valve sleeve 7, incidentally, does not rotate as does applicants' cap 14.

Section 103 Rejections

The Examiner rejected claims 3, 4 and 9-11 under 35 U.S.C. Section 103(a) as being unpatentable over Ritter in view of Rea et al. 6,192,797. Applicants respectfully submit that claims 3, 4 and 9-11 are allowable for at least the same reason as claim 1. That is, neither Ritter nor Rea discloses a valve cap comprising a flexible annular portion that flexes in response to pressure from the contents of the container.

In further response, and referring to Ritter Figure 1, applicants must allow that the Ritter reference does appear to disclose a base (1) having a neck portion (adjacent 10) defining a cylindrical space and extending axially downward from the periphery of the aperture, and a valve seat (5) disposed within the cylindrical space and affixed to the inner surface of the neck by bridges (4). However, that is where the similarity ends, since the Ritter valve (and, for that matter, the Rea valve) function very differently from applicants' valve.

Objected To Claims

Applicants note with appreciation the Examiner's statement that claims 5-7 would be allowable if rewritten in independent form including all of the limitations of the base claim and any

intervening claims. Applicants submit that claims 5-7 are allowable for at least the same reason as claim 1, and so they have not been amended.


Allowed Claims

Applicants note with appreciation the examiner's statement that claims 12-15 are allowed.

Summary

It is believed that this paper constitutes a complete response to the Office Action mailed November 17, 2004, and an early and favorable action allowing claims 1-15 is respectfully requested. The Examiner is invited to telephone applicants' undersigned attorney if any unresolved matters remain.

Respectfully submitted,


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